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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,215	09/25/2001	Richard N. Ellson	7610-0001.25	2031

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REED & EBERLE LLP  
800 MENLO AVENUE, SUITE 210  
MENLO PARK, CA 94025

EXAMINER

BAKER, MAURICE GARCIA

ART UNIT	PAPER NUMBER
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1639

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/964,215	09/25/01	ELLSON	7610-0001.25

EXAMINER	
Maurie Garcia Baker, Ph.D.	
ART UNIT	PAPER NUMBER
1639	8

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application**

Commissioner of Patents

Please see attached Notice of Non-Responsive Amendment.

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## DETAILED ACTION

### *Notice of Non-Responsive Amendment*

1. The reply filed April 7, 2003 is not fully responsive to the prior Office action because of the following omission(s) or matter(s):

The Restriction Requirement mailed January 6, 2003 required election of a single invention from Groups I or II and a **further election of species** depending on the Group elected. Applicant elected Group I for examination. Applicant has not elected any species whatsoever and thus the reply is not fully responsive.

Please note the following requirement which has been reiterated from the Restriction Requirement, paragraph 7:

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7. *If applicant elects the invention of **Group I**, applicant is required to elect from the following patentably distinct species. Claims 1-5 and 10-13 are generic.*

*Species of biomolecule*

- A. Nucleotidic (e.g. claims 6-8)*
- B. Peptidic (e.g. claim 9)*

*The species are distinct, each from the other, because their structures and modes of action are different. They would also differ in their reactivity and the starting materials from which they are made. Therefore, the species have different issues regarding patentability and represent patentably distinct subject matter.*

Therefore, to be responsive, applicant must elect a species as set forth in the previous action and reiterated above.

2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurie Garcia Baker, Ph.D. whose telephone number is (703) 308-0065. The examiner is on an increased flextime schedule but can normally be reached on Monday-Thursday and alternate Fridays from 9:30 to 7:00.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang, can be reached at (703) 306- 3217. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Maurie Garcia Baker, Ph.D.  
June 12, 2003

  
MAURIE GARCIA BAKER PH.D  
PRIMARY EXAMINER